

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

CASE NO. 4D18-0762

JEFFREY EPSTEIN,

Petitioner,

-vs-

SCOTT ROTHSTEIN,
BRADLEY J. EDWARDS, and
█., █., and JANE DOE,
Intervenors.

Respondents

**RESPONSE TO PETITIONER’S MOTION FOR ORDER TO SHOW
CAUSE WHY EDWARDS IS NOT IN VIOLATION OF THIS COURT’S
ORDER DATED MARCH 20, 2018, GRANTING “IN PART” EDWARDS’
MOTION FOR PARTIAL RELIEF FROM STAY**

Bradley J. Edwards, Respondent, hereby files this Response to Petitioner’s Motion for Order to Show Cause, etc.

Edwards did not violate this Court’s Order granting partial relief from stay. Petitioner’s nine-page Motion for Order to Show Cause is an example of abusive motion practice with which this Court should not be burdened.

In his Motion for Partial Relief from Stay, Edwards sought such relief to “ensure that this nine-year-old case can be expeditiously tried **as soon as the matter under review is resolved.**” (Motion, p.5)(emphasis added). Edwards asked this

Court to “lift the stay of the lower court proceedings with respect to all matters **other than the empaneling of a jury**” (Motion, p.5)(emphasis added). Edwards explained that based upon the nature of the error alleged by Epstein, “the only trial court action that should be stayed by this Court is **the empaneling of a jury and the commencement of trial**” (Motion, p.4)(emphasis added).

Consistent with Edwards’s request, this Court granted partial relief from the stay¹ as follows:

. . .The stay of proceedings granted by this Court’s March 9, 2018 order **shall apply only to the trial of the underlying matter. . . .** (Emphasis added).

Edwards has logically interpreted this Court’s clear and concise order to be consistent with his request that the stay be lifted as to all matters other than the empaneling of a jury and trial of the case, so the parties can be prepared to expeditiously try Edwards’s case once appellate review is concluded.

Edwards’s filing of the Notice for Trial after the stay was partially lifted is consistent with his request and this Court’s order. Filing a Notice for Trial merely allows Edwards to reserve a spot on a future trial docket, which could be many months from now.² Edwards has no intention of attempting to start trial in violation

¹ Edwards had also asked for expedited consideration of the Motion for Partial Relief from Stay, which this Court denied.

² For instance, Edwards filed his original Notice for Trial on May 24, 2017 and the case was ultimately set to be tried in December 2017.

of the partial stay (nor would the trial court ever allow that to happen). If the underlying case is reached on the trial docket before this Court has lifted the partial stay, the case will not be tried and instead will simply be pushed back on the docket.

Epstein raises several other issues which are not properly before this Court. For instance, Epstein claims that the recently filed Notice for Trial does not comport with Rule 1.440 and that Edwards improperly changed the style of the case below. Neither of those issues are related to any alleged violation of the stay order, nor are they within the scope of either petition currently pending before this Court.

Epstein also gratuitously addresses his and his counsel's unauthorized possession³ and disclosure of attorney-client and work-product privileged documents, and claims he is entitled to have the trial court perform an in-camera

³ Epstein's possession of this material is in direct violation of a 2010 Federal bankruptcy court order issued by the Honorable Raymond B. Ray entered in the proceedings involving the Rothstein Rosenfeldt law firm, which specifically directed Epstein and his predecessor counsel, Fowler White, as follows:

Fowler White will not retain any copies of the documents on the discs provided to it, nor shall any images or copies of said documents be retained in the memory of Fowler White's copiers. **Should it be determined that Fowler White or Epstein retained images or copies of the subject documents on its computer or otherwise, the Court retains jurisdiction to award sanctions in favor of Farmer [Jaffe law firm], Brad Edwards or his client.**

(Ex. B, p.2 to Joinder filed March 13, 2018)(emphasis added). Epstein's improper possession of those documents in violation of Judge Ray's order is the subject of a motion for issuance of an order to show cause filed in the bankruptcy court.

inspection of those documents. That assertion has no logical connection to the stay and ignores the federal court order requiring the destruction of those documents.

Epstein's Motion is therefore meritless and should be denied.

Epstein's Request for Attorneys' Fees

Epstein's request for attorneys' fees is as misguided as his motion. He cites *Manzaro v. D'Alessandro*, 229 So.3d 843 (Fla. 4th DCA 2017), where this Court awarded appellate fees for frivolous appellate filings; however, Epstein's motion (which may itself qualify as frivolous) does not accuse Edwards of any frivolous appellate filings.

Epstein's reliance on *Ochalek v. Rivera*, 232 So.3d 1050, 1052 (Fla. 4th DCA 2017) is similarly inapposite since, while noting the inherent authority of a court to assess attorneys' fees for attorney misconduct, this Court explained:

This inherent authority is known as the "inequitable conduct doctrine," and is **reserved for those extreme cases where a party acts in bad faith, vexatiously, wantonly, or for oppressive reasons.**" (Citations omitted)

No such conduct is alleged here, nor could it be. Therefore, Epstein's request for attorneys' fees is meritless and should be denied.

We hereby certify that a true copy of the foregoing was furnished by mail to The Honorable Donald W. Hafele, 205 N. Dixie Highway, Room 10.1216, West Palm Beach, FL 33401, and to all counsel on the attached service list, by email, on March 23, 2018.

Jack Scarola, Esq.
Karen Terry, Esq.
David J. Vitale, Jr. Esq.
SEARCY DENNY SCAROLA
BARNHART & SHIPLEY, [REDACTED].
2139 Palm Beach Lakes Blvd.
West Palm Beach, FL 33409

[REDACTED]
[REDACTED]
and
BURLINGTON & ROCKENBACH, [REDACTED].
Courthouse Commons/Suite 350
444 West Railroad Avenue
West Palm Beach, FL 33401
[REDACTED]
Attorneys for Respondent Bradley Edwards

[REDACTED]
[REDACTED]

By: /s/ Philip M. Burlington
PHILIP M. BURLINGTON
Florida Bar No. [REDACTED]

By: /s/ Nichole J. Segal
NICHOLE J. SEGAL
Florida Bar No. [REDACTED]

/kbt

SERVICE LIST

Epstein v. Rothstein/Edwards

Case No. 4D18-0762

Scott J. Link, Esq.
Kara Berard Rockenbach, Esq.
Rachel J. Glasser, Esq.
LINK & ROCKENBACH, PA
1555 Palm Beach Lakes Blvd. Ste. 301
West Palm Beach, Florida 33401



Attorneys for Jeffrey Epstein

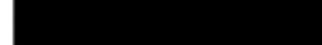
Jack A. Goldberger, Esq.
ATTERBURY, GOLDBERGER
& WEISS, ■■■.
250 Australian Avenue S., Ste. 1400
West Palm Beach, FL 33401



Attorney for Jeffrey Epstein

Paul G. Cassell, Esq.
S.J. QUINNEY COLLEGE OF LAW
AT THE UNIVERSITY OF UTAH
383 S. University St.
Salt Lake City, UT 84112
cassellp@law.utah.edu
Attorneys for Interveners ■■■., ■■■., and
JANE DOE

Marc S. Nurik, Esq.
LAW OFFICES OF MARC S. NURIK
One E. Broward Boulevard, Ste. 700
Ft. Lauderdale, FL 33301



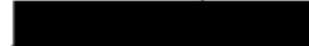
Attorney for Scott Rothstein

Bradley J. Edwards, Esq.
EDWARDS POTTINGER LLC
425 N. Andrews Avenue, Ste. 2
Ft. Lauderdale, FL 33301-3268



Attorney for Bradley J. Edwards

Jay Howell, Esq.
JAY HOWELL & ASSOCIATES
644 Cesery Blvd. Suite 250
Jacksonville, FL 32211



Attorneys for Interveners ■■■., ■■■., and
JANE DOE